

## UNITED STATES DISTRICT COURT

for the  
District of MONTANA

GOTHAM INSURANCE COMPANY,

v.

ALLEGIANCE BENEFIT PLAN MANAGEMENT, INC.

Case No.: 9:11-CV-00039 DWM

**BILL OF COSTS**Judgment having been entered in the above entitled action on August 24, 2012 against Allegiance Benefit Plan Management, Inc.,  
*Date*

the Clerk is requested to tax the following as costs:

Fees of the Clerk .....	\$ <u>350.00</u>
Fees for service of summons and subpoena .....	<u>304.00</u>
Fees for printed or electronically recorded transcripts necessarily obtained for use in the case .....	<u>20,700.45</u>
Fees and disbursements for printing .....	_____
Fees for witnesses ( <i>itemize on page two</i> ) .....	_____
Fees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case .....	_____
Docket fees under 28 U.S.C. 1923 .....	_____
Costs as shown on Mandate of Court of Appeals .....	_____
Compensation of court-appointed experts .....	_____
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828 .....	_____
Other costs ( <i>please itemize</i> ) .....	_____
<b>TOTAL</b>	<b>\$ <u>21,354.45</u></b>

**SPECIAL NOTE:** Attach to your bill an itemization and documentation for requested costs in all categories.**Declaration**

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill has been served on all parties in the following manner:

☒ Electronic service ☐ First class mail, postage prepaid☐ Other: \_\_\_\_\_s/ Attorney: /s/ Robert J. GuiteName of Attorney: Robert J. GuiteFor: Gotham Insurance Company Date: September 7, 2012*Name of Claiming Party***Taxation of Costs**

Costs are taxed in the amount of \_\_\_\_\_ and included in the judgment.

\_\_\_\_\_  
*Clerk of Court*By: \_\_\_\_\_  
*Deputy Clerk*\_\_\_\_\_  
*Date*

**Witness Fees (computation, cf. 28 U.S.C. 1821 for statutory fees)**

**TOTAL**

**Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:**

“Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed.”

“A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree.”

**RULE 54(d)(1)**

Unless a federal statute, these rules, or a court order provides otherwise, costs — other than attorney's fees — should be allowed to the prevailing party. But costs against the United States, its officers, and its agencies may be imposed only to the extent allowed by law. The clerk may tax costs on 14 day's notice. On motion served within the next 7 days, the court may review the clerk's action.

(d) Additional Time After Certain Kinds of Service.

**RULE 58(e)**

Ordinarily, the entry of judgment may not be delayed, nor the time for appeal extended, in order to tax costs or award fees. But if a timely motion for attorney's fees is made under Rule 54(d)(2), the court may act before a notice of appeal has been filed and become effective to order that the motion have the same effect under Federal Rule of Appellate Procedure 4(a)(4) as a timely motion under Rule 59.

**ATTACHMENT - ITEMIZATION OF COSTS***Gotham Insurance Company v. Allegiance Benefit Plan Management, Inc.*

United States District Court, District of Montana

Case No. 9:11-CV-00039 DWM

**TAXABLE COSTS**

CATEGORY: FEES OF THE CLERK	Amount
1. Complaint Filing Fee	\$350.00
CATEGORY: FEES FOR SERVICE OF PROCESS	
1. Service of Complaint & Summons (Personal Service)	\$304.00
CATEGORY: FEES FOR DEPOSITIONS <sup>*</sup>	
1. Nicholas Chen	\$1,964.20
2. Roger Cowan & Dirk Visser (\$3,408.20 + \$715.75)	\$4,123.95
3. Dennis Gambill	\$479.70
4. Paul Kush	\$1,287.25
5. James Martocci	\$2,766.55
6. Jeffrey McKinley	\$972.45
7. Lisa Porcaro & David Wash	\$2,748.30
8. Adam Russo	\$882.30
9. James Smith	\$2,148.50
10. Susan Witte	\$2,010.00
11. Gary Zadick	\$1,317.25
<b>TOTAL:</b>	<b>\$21,354.45</b>

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\*

All deposition transcripts were used in support of the motions for summary judgment filed in this case.

**Redacted**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

-----Original Message-----

From: paygovadmin@mail.doc.twai.gov [mailto:paygovadmin@mail.doc.twai.gov]

Sent: Tuesday, March 01, 2011 10:11 AM

To: Guite, Robert J.

Subject: Pay.Gov Payment Confirmation

THIS IS AN AUTOMATED MESSAGE. PLEASE DO NOT REPLY.

Your transaction has been successfully completed.

Transaction Summary

Application Name: MTD CM ECF

Pay.gov Tracking ID: [REDACTED]

Agency Tracking ID: [REDACTED]

Transaction Type: Sale

Transaction Date: Mar 1, 2011 1:10:48 PM

[REDACTED]

Transaction Amount: \$350.00

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Redacted**

SHIPPED MAP 3 1 2011

**First Legal****San Francisco Legal Support**SAN FRANCISCO  
SUPPORT, INC  
TAX ID # 20-2513585Mail Payments to:  
San Francisco Legal Support  
P. O. Box 34268  
Los Angeles, CA 90034**invoice**

INVOICE #	DATE
47500	20345
INVOICE #	DATE
3/15/11	304.00

SQUIRE SANDERS LEGAL COUNSEL WORLDW  
ATTN: ACCOUNTS PAYABLE  
275 BATTERY STREET, SUITE 2600  
SAN FRANCISCO, CA 94111BILLING QUESTIONS CALL:  
BILLING DEPT(213)402-9013  
PAYMENT QUESTIONS CALL:  
PAYMENT DEPT(213)402-9007

CUSTOMER	INVOICE	PERIOD END	AMOUNT	PAGE	
20345	47500	3/15/11	304.00	1	SAN FRANCISCO LEGAL

3/01/11	6652735	FSP	SQUIRE SANDERS LEGAL COUNSEL WORLDW 275 BATTERY STREET SAN FRANCISCO CA 94111 Caller: Tonette Danowski 9:11-CV 00039-DWM GOTHAM INS VS. ALLEGIENCE BENEFIT SUMMONS & COMPLAINT PLEASE SERVE TODAY Signed: ALLAN HALL-VP	ALLEGIANCE BENEFIT PLAN MANAGEMENT 620 HIGH PARK WAY MISSOULA MT 59806	Base Chg : 279.00 PDF/Ovrnte: 25.00	304.00
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PROCESS-FORWARD SAME DAY

Ref: 107369.00001

Vendor # 53872Inv. Total \$304.00GL/CM Amt \$304.00GL/CM Code 107369.00001/522Req. Sign. L. Danowski Emp. # 18379Appr. Sign. Sharon McCracken Appr. Emp. # 0716PGL Appr. Sign. Sharon McCracken - 0716

Please pay 304.00

**INVOICE PAYMENT DUE UPON RECEIPT**

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**Invoice # PL348375**

Invoice Date	06/26/2012
Terms	NET 30
Payment Due	07/26/2012
Date of Loss	
Name of Insured	
Adjustor	
Claim Number	

MARK GOODMAN, ESQ.  
SQUIRE, SANDERS & DEMPSEY - SAN FRANCISCO  
SUITE 2600  
275 BATTERY STREET  
SAN FRANCISCO, CA 94111

Assignment	Case	Assignment #	Shipped	Shipped Via
06/20/2012	GOTHAM INSURANCE COMPANY vs. ALLEGIANCE	461661	06/26/2012	F-S-O

Description	Price	Amount
Services Provided on 06/20/2012, NICHOLAS CHEN (NEW YORK, NY)		
ONE COPY OF TRANSCRIPT/WORD INDEX (269 Pages)	\$ 5.40	\$ 1,452.60
EXHIBITS	\$ 78.10	\$ 78.10
DIGITAL TRANSCRIPT/EXHIBITS	\$ 50.00	\$ 50.00
CONDENSED TRANSCRIPT	\$ 15.00	\$ 15.00
ROUGH ASCII	\$ 343.50	\$ 343.50
		\$ 1,939.20
DEL-STANDARD		\$ 25.00
		\$ 25.00
SHIPPED TO: GOODMAN, MARK C. ESQ. SUITE 2600 275 BATTERY STREET SAN FRANCISCO, CA 94111 ROUGH ASCII PROVIDED PLEASE NOTE: THE ABOVE AMOUNT REFLECTS A 3-DAY EXPEDITED RATE.		Tax: \$ 0.00
		Paid: \$ 0.00
<b>Amount Due On/Before 08/10/2012</b>		<b>\$ 1,964.20</b>
Amount Due After 08/10/2012		\$ 2,160.62

Tax Number: 45-3463120

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Payment Due: 07/26/2012

**Amount Due On/Before 08/10/2012 \$ 1,964.20**  
Amount Due After 08/10/2012 \$ 2,160.62

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275 BATTERY STREET  
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013 0000348375 06262012 7 000196420 9 07262012 08102012 2 000216062 87

Jeffries Court Reporting, Inc.  
1015 Mount Avenue, Suite C  
Missoula, MT 59801

Phone #	406 721-1143
Fax #	406 728-0888
E-mail	jercourt@montana.com
Web Site	www.jeffriescourtreporting.com

Bill To
Mark Goodman, Esq. Squire Sanders 275 Battery Street, Ste. #2600 San Francisco, CA 94111

Date	Invoice #
1/25/2012	20978
Terms	Due Date
Net 30	2/24/2012

	Rep
	TR
Description	Amount
12-26 & 28 - GOTHAM INSURANCE vs ALLEGIANCE BENEFIT PLAN - 9:11-CV-00039-DWM Depositions taken on Thursday, January 12 and Friday, January 13, 2012 in Missoula, MT	
Deposition of ROGER COWAN - Rush Rough Draft (Original and Three Electronic (Paperless) Copies - Electronic Portfolios Include Full-Size and Condensed with Keywords)	1,907.90
Deposition of DIRK VISSER - Rush Rough Draft (Original and Three Electronic (Paperless) Copies - Electronic Portfolios Include Full-Size and Condensed with Keywords)	1,062.30
Above Charges Include Courtesy Rate of .25/Page for Co-Counsel and Electronic Charge of 12.50	
Exhibits - Scanned, Archived, Electronically Tabbed, Hard Copy Tabbing, Two Binders and Handling	418.00
Mailing/Courier Service, Handling and Office Support Services	20.00
THANK YOU! TAX ID #81-0512162	<b>Total</b> \$3,408.20

PLEASE INCLUDE INVOICE NUMBER ON THE CHECK. A FINANCE CHARGE OF 1.5% WILL BE ADDED ON ACCOUNTS 30 DAYS PAST DUE.



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 MISSOULA, MONTANA 59801  
 (406) 721-1143 / FAX (406) 728-0888  
 1-800-769-1052

Bill To
Mark Goodman, Esq. Squire Sanders 275 Battery Street, Ste. #2600 San Francisco, CA 94111

Date	Invoice #
3/5/2012	21071
Terms	Due Date
Net 30	4/4/2012

Description		Rep
		office
		Amount
12-26 & 27 - GOTHAM INSURANCE CO. vs ALLEGIANCE BENEFIT PLAN MANAGEMENT - #9:11-CV-00039-DWM		
Depositions taken on January 12 and January 13, 2012 in Missoula, MT		
Deposition of ROGER COWAN - Hard Copy at Courtesy Rate of .25 = 334 Pages @.25		83.50
Deposition of DIRK VISSER - Hard Copy at Courtesy Rate of .25 = 183 Pages @.25		45.75
Exhibits & Tabbing (Hard Copy) and Binder		461.50
Handling and Processing Late Order Hard Copy of Deposition Transcripts and Exhibits		75.00
Mailing		50.00
THANK YOU! TAX ID #81-0512162		
<b>Total</b>		<b>\$715.75</b>

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 BE ADDED ON ACCOUNTS 30 DAYS PAST DUE.

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7 West Sixth Avenue, Suite 2A  
 Helena, MT 59601  
 (406) 443-2010 E-mail: lcr@mt.net  
 Tax ID 20-8597953

## Invoice

DATE	INVOICE #
5/25/2012	5293

BILL TO
<b>Mark C. Goodman</b> <b>Attorney at Law</b> <b>Squire, Sanders &amp; Dempsey</b> <b>275 Battery Street, Suite 2600</b> <b>San Francisco, CA 94111</b>

CASE NAME	REPTR	DATE OF JOB
Gotham v. Allegiance	SJ	5/10/2012
DESCRIPTION	PAGES	AMOUNT
Deposition of Dennis Gambill	210	451.00
One Copy		
Exhibits	74	22.20
Postage		6.50
Please reference invoice number with payment.	<b>TOTAL</b>	<b>\$479.70</b>
We appreciate your business.		

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Invoice # EQ117010

Invoice Date	02/16/2012
Terms	NET 45
Payment Due	04/01/2012
Date of Loss	
Name of Insured	
Adjustor	
Claim Number	

MARK GOODMAN, ESQ.  
SQUIRE SANDERS, LLC  
275 BATTERY STREET  
SAN FRANCISCO, CA 94111

Assignment	Case	Assignment #	Shipped	Shipped Via
01/27/2012	GOTHAM INSURANCE CO. vs. ALLEGIANCE BEN	324539	02/15/2012	FED EX

Description	Amount
Services Provided on 01/27/2012, PAUL KUSH (NEW YORK, NY)	
ONE COPY OF TRANSCRIPT PACKAGE	\$ 861.60
EXHIBITS	\$ 7.65
ROUGH DRAFT	\$ 343.00
LITIGATION SUPPORT DISK	\$ 50.00
	\$ 1,262.25
SHIPPING/HANDLING	\$ 25.00
	\$ 25.00
Vendor # 41548 * New Add *	
Inv. Total 1287.25	
GL/CM Amt 1287.25	
GL/CM Code 107369.00001/510	
Req. Sign [Signature] Req. Emp. # 08827	
Appr. Sign [Signature] Appr. Emp. #	
Sharon McCracken - 07166	
***ROUGH DRAFT PROVIDED***	
	Tax: \$ 0.00
	Paid: \$ 0.00
	Amount Due On/Before 04/01/2012 \$ 1,287.25
	Amount Due After 04/01/2012 \$ 1,415.98

Tax Number: 45-3463120

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Invoice #: EQ117010

Payment Due: 04/01/2012

Amount Due On/Before 04/01/2012 \$ 1,287.25

Amount Due After 04/01/2012 \$ 1,415.98

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073 0000117010 02162012 2 000128725 4 04012012 04012012 8 000141598 73

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Case 9:11-cv-00039-DWM Document 142 Filed 09/07/12 Page 12 of 18

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Invoice # **PL344327**

Invoice Date	05/22/2012
Terms	NET 30
Payment Due	06/21/2012
Date of Loss	
Name of Insured	
Adjustor	
Claim Number	

MARK GOODMAN, ESQ.  
SQUIRE, SANDERS & DEMPSEY - SAN FRANCISCO  
SUITE 2600  
275 BATTERY STREET  
SAN FRANCISCO, CA 94111

Assignment	Case	Assignment #	Shipped	Shipped Via
05/02/2012	GOTHAM INSURANCE COMPANY vs. ALLEGIANC	452750	05/21/2012	F-S-O

Description	Price	Amount
Services Provided on 05/02/2012, JAMES MARTOCCI (NEW YORK, NY)		
MEDICAL TECHNICAL ORIGINAL & ONE COPY OF TRANSCRIPT/WORD INDEX (414 Pages)	\$ 5.55	\$ 2,297.70
EXHIBITS	\$ 218.90	\$ 218.90
APPEARANCE FEE FULL DAY	\$ 90.00	\$ 90.00
APPEARANCE FEE AFTER HOUR ADDITIONAL HOUR	\$ 45.00	\$ 45.00
OVERTIME PER PAGE SURCHARGE (29 Pages)	\$ 1.55	\$ 44.95
DIGITAL TRANSCRIPT/EXHIBITS	\$ 30.00	\$ 30.00
CONDENSED TRANSCRIPT	\$ 15.00	\$ 15.00
DELIVERY-		
Vendor # <u>41548</u>		
Inv. Total <u>2766.55</u>		\$ 2,741.55
GL/CM Amt <u>2766.55</u>		
GL/CM Code <u>107369.00001 / 511</u>		\$ 25.00
Req. Sign. <u>[Signature]</u>	Req. Emp. # <u>08827</u>	Tax: \$ 0.00
Appr. Sign. <u>[Signature]</u>	Appr. Emp. # <u>07164</u>	Paid: \$ 0.00
Sharon McCracken		Amount Due On/Before 07/06/2012 \$ 2,766.55
PGL Appr. Sign. <u>[Signature]</u>	Amount Due After 07/06/2012	\$ 3,043.21

SHIPPED TO: GOODMAN, MARK C. ESQ.  
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MATTER NUMBER: 107369.00001

Tax Number: 45-3463120

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SAN FRANCISCO, CA 94111

Sharon:  
ok to advance??  
yes



Invoice #: PL344327  
Payment Due: 06/21/2012  
Amount Due On/Before 07/06/2012 \$ 2,766.55  
Amount Due After 07/06/2012 \$ 3,043.21

Remit to:

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013 0000344327 05222012 9 000276655 2 06212012 07062012 4 000304321 26

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Invoice # **PL344206**

Invoice Date	05/18/2012
Terms	NET 30
Payment Due	06/17/2012
Date of Loss	
Name of Insured	
Adjustor	
Claim Number	

MARK GOODMAN, ESQ.  
SQUIRE, SANDERS & DEMPSEY - SAN FRANCISCO  
SUITE 2600  
275 BATTERY STREET  
SAN FRANCISCO, CA 94111

Assignment	Case	Assignment #	Shipped	Shipped Via
04/30/2012	GOTHAM INSURANCE COMPANY vs. ALLEGIANC	452301	05/15/2012	FED EX

Description	Price	Amount
Services Provided on 04/30/2012, JEFFREY MCKINLEY (SAN FRANCISCO, CA)		
MEDICAL TECHNICAL COPY OF TRANSCRIPT/WORD INDEX (233 Pages)	\$ 3.15	\$ 733.95
EXHIBITS	\$ 36.75	\$ 36.75
DIGITAL TRANSCRIPT/EXHIBITS	\$ 30.00	\$ 30.00
SUMMARY	\$ 95.00	\$ 95.00
COPY HANDLING FEE	\$ 30.00	\$ 30.00
CONDENSED TRANSCRIPT	\$ 15.00	\$ 15.00
		\$ 940.70
DEL-STANDARD		\$ 31.75
		\$ 31.75
Vendor # <u>41548</u>		
Inv. Total <u>972.45</u>		
GL/CM Amt <u>972.45</u>		
GL/CM Code <u>107369.00001/511</u>		
Req. Sign. <u>[Signature]</u> Req. Emp. # <u>08827</u>		
Appr. Sign. <u>[Signature]</u> Appr. Emp. # <u></u>		
Sharon McCracken - 07166		
PGL Appr. Sign. <u>[Signature]</u>		
Tax:		\$ 0.00
Paid:		\$ 0.00
Amount Due On/Before 07/02/2012		\$ 972.45
Amount Due After 07/02/2012		\$ 1,069.70

Tax Number: 45-3463120

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Invoice #: PL344206  
Payment Due: 06/17/2012

Amount Due On/Before 07/02/2012 \$ 972.45

Amount Due After 07/02/2012 \$ 1,069.70

MARK GOODMAN, ESQ.  
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FRANCISCO  
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275 BATTERY STREET  
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**Invoice # EQ116929**

Invoice Date	02/14/2012
Terms	NET 45
Payment Due	03/30/2012
Date of Loss	
Name of Insured	
Adjustor	
Claim Number	

MARK GOODMAN, ESQ.  
SQUIRE SANDERS, LLC  
275 BATTERY STREET  
SAN FRANCISCO, CA 94111

Assignment	Case	Assignment #	Shipped	Shipped Via
01/26/2012	GOTHAM INSURANCE CO. vs. ALLEGIANCE BEN	324538	02/10/2012	FED EX

Description	Amount
Services Provided on 01/26/2012, LISA PORCARO (NEW YORK, NY)	
ONE COPY OF TRANSCRIPT PACKAGE	\$ 552.00
EXHIBITS	\$ 7.65
LITIGATION SUPPORT DISK	\$ 50.00
SUMMARY	\$ 95.00
ROUGH DRAFT	\$ 213.50
Vendor # <u>41548</u>	
Inv. Total <u>2748.30</u>	\$ 918.15
Services Provided on 01/26/2012, DAVID WASH (NEW YORK, NY)	
ONE COPY OF TRANSCRIPT PACKAGE	\$ 1,164.00
EXHIBITS	\$ 122.15
LITIGATION SUPPORT DISK	\$ 50.00
ROUGH DRAFT	\$ 469.00
SHIPPING/HANDLING	\$ 1,805.15
GL/CM Amt <u>2748.30</u>	
GL/CM Code <u>107369.00001/511</u>	
Req. Sign. <u>Sharon McCracken</u> Req. Emp. # <u>07827</u>	
Appr. Sign. <u>Sharon McCracken</u> Appr. Emp. # <u>07827</u>	
PGL Appr. Sign. <u>Sharon McCracken</u>	
<u>18792</u>	\$ 25.00

**CONTINUED ON NEXT PAGE ...**

Tax Number: 45-3463120

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SAN FRANCISCO, CA 94111

Invoice #: EQ116929  
Payment Due: 03/30/2012  
Amount Due On/Before 03/30/2012 **\$ 2,748.30**  
Amount Due After 03/30/2012 \$ 3,023.13

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Dallas TX 75284-6099  
www.esquiresolutions.com

Thank you for your business!

073 0000116929 02142012 3 000274830 9 03302012 03302012 6 000302313 92

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2700 Centennial Tower  
101 Marietta Street  
Atlanta, GA 30303

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Dallas TX, 75284-6099  
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Toll Free (800) 211-DEPO  
Fax (856) 437-5009

Invoice # PL347381

Invoice Date	06/19/2012
Terms	NET 30
Payment Due	07/19/2012
Date of Loss	
Name of Insured	
Adjustor	
Claim Number	

MARK GOODMAN, ESQ.  
SQUIRE, SANDERS & DEMPSEY - SAN FRANCISCO  
SUITE 2600  
275 BATTERY STREET  
SAN FRANCISCO, CA 94111

Assignment	Case	Assignment #	Shipped	Shipped Via
05/24/2012	GOTHAM INSURANCE COMPANY vs. ALLEGIANC	454409	06/18/2012	FED EX

Description	Price	Amount
Services Provided on 05/24/2012, ADAM RUSSO (BOSTON, MA)		
ORIGINAL TRANSCRIPT/WORD INDEX (186 Pages)	\$ 3.30	\$ 613.80
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DIGITAL TRANSCRIPT/EXHIBITS	\$ 35.00	\$ 35.00
CONDENSED TRANSCRIPT	\$ 0.00	\$ 0.00
ARCHIVING FEE	\$ 20.00	\$ 20.00
		\$ 847.30
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		\$ 35.00
MATTER NUMBER: 107369.00001 TRANSCRIPT PAGES: 153 WORD INDEX PAGES: 33 EXHIBITS COLOR: 23 EXHIBIT TABS: 3 EXHIBITS B&W: 527		
Sharon McCracken - 07166		
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Amount Due On/Before 08/03/2012		\$ 882.30
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12-219 - GOTHAM INSURANCE COMPANY vs ALEGIANCE BENEFIT PLAN - #9:11-CV-00039-DWM	
Deposition taken on Thursday, April 19, 2012 in Missoula, MT	
Deposition of JAMES SMITH (Original and Two Electronic (Paperless) Copies - Electronic Portfolios Include Full-Size and Condensed with Keywords)	1,325.10
Extra copy for deponent to read and sign	50.00
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